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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/748,610 | 12/30/2003 | Robert C. Thistle | BSI-521US | 7486 |
| 7590 | 04/16/2009 | | EXAMINER | |
| Paul F. Prestia RatnerPrestia One Westlakes (Berwyn), Suite 301 P.O. Box 980 Valley Forge, PA 19482 | | | PRONE, CHRISTOPHER D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3738 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 04/16/2009 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|-----------------|--------------------|
| Response to Rule 312 Communication | 10/748,610 | THISTLE, ROBERT C. |
| Examiner | Art Unit | |
| CHRISTOPHER D. PRONE | 3738 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 16 October 2008 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

The applicant added new claims to rejoin the subject matter from claims cancelled by the examiner's amendment. The applicant cited that the subject matter should be included because it was based off of a generic claim. The examiner disagrees because there is no statement on record stating that any claims are considered generic. Furthermore the applicant elected the claims without traverse. Therefore it is proper for the examiner to cancel the withdrawn claims and not permit them to be added as new claims after allowance because they would require further examination.

/Corrine M McDermott/
Supervisory Patent Examiner, Art Unit 3738

/Christopher D Prone/
Examiner, Art Unit 3738